

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Marquise Dontaye Ratcliff

Case Number: 1:19-CR-0024(1)LY

Name of Sentencing Judicial Officer: The Honorable Lee Yeakel, United States District Judge

Date of Original Sentence: August 29, 2019

Original Offense: Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)

Original Sentence: Fifty-one (51) months in the custody of the United States Bureau of Prisons, followed by a three (3) year term of supervised release. Special conditions include substance abuse treatment, alcohol abstinence, mental health treatment, take all mental health medications prescribed, search and seizure, pay a \$100 special assessment fee (paid in full), and forfeiture of a Bryco Arms pistol, all ammunition and firearm accessories

Type of Supervision: Supervised Release

Date Supervision Commenced: May 20, 2022

Assistant U.S. Attorney: Daniel M. Castillo

Defense Attorney: Jose I. Gonzalez-Falla

PREVIOUS COURT ACTION

On January 20, 2023, a Petition for Warrant or Summons for Offender Under Supervision was filed with the Court, alleging the defendant failed to participate in substance abuse and mental health treatment, unlawfully possessed and used marijuana and amphetamines, interacted with persons engaged in criminal activity, failed to report contact with law enforcement, failed to report to the probation officer, and failed to live at an approved residence. A warrant was issued the same date.

PETITIONING THE COURT

☒ [X] To issue a warrant.

☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Special Condition: “The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer may supervise the participation in the program. The defendant shall pay the costs of such treatment to the extent the defendant is financially able.”

Violation of Special Condition: “The defendant shall participate in a mental health treatment program and follow the rules and regulations of that program. A probation officer, in consultation with the treatment provider, may supervise participation in the program. The defendant shall pay the costs of such treatment to the extent the defendant is financially able.”

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Violation of Mandatory Condition No. 2: “The defendant shall not unlawfully possess a controlled substance.”

Violation of Mandatory Condition No. 3: “The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant’s presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.”

Nature of Noncompliance: On July 20, 2022, Ratcliff began participating in a co-occurring treatment program.

Ratcliff failed to submit urine specimens on the following dates:

June 27, 2022
September 13, 2022
October 18, 2022
October 28, 2022
December 29, 2022
January 4, 2023
January 9, 2023
January 20, 2023

Ratcliff failed to attend co-occurring treatment as scheduled on the following dates:

September 28, 2022
November 9, 2022
November 30, 2022
December 21, 2022
He did not schedule any sessions for January 2023

On November 14, 2022, Ratcliff submitted a positive urine specimen for marijuana. He denied using any illegal substances; however, on December 8, 2022, the specimen was confirmed positive for marijuana by the national drug testing lab.

On December 12, 2022, Ratcliff admitted to using marijuana and signed an admission form for his drug use; however, the specimen he submitted the same date returned positive for marijuana and amphetamines.

On December 20, 2022, Ratcliff admitted to using amphetamine pills without a valid prescription.

On March 10, 2023, Ratcliff was arrested by Austin Police Department Officers for the offense of Manufacture/Delivery of a Controlled Substance, PG 1>=4G<200G, a 1st degree felony. At the time of the arrest, a probable cause search of the vehicle driven by Ratcliff was conducted and officers located approximately 77.1 grams of powder cocaine and 10.77 grams of crack cocaine.

Violation of Standard Condition No. 8: “The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without getting the permission of the probation officer.”

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Violation of Standard Condition No. 9: “If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.”

Nature of Noncompliance: On December 11, 2022, Austin Police Department Officers conducted a welfare check on two males who were sleeping in a parked 2013 Chevy Tahoe, TXLP RYW9348, near Barton Creek Square. The driver was identified as Marquise Ratcliff. Ratcliff reported that he and his passenger, Ronnie Shelby Jr., were waiting on Ratcliff’s cousin, Curtis Deanthony Jamal Williams, who was inside Barton Creek Square mall. When officer approached the vehicle, they noted a strong odor of marijuana emitting from the vehicle. Ratcliff advised officers there was marijuana in the vehicle and admitted to having smoked marijuana a few hours earlier. Officers conducted a probable cause search of the Tahoe and seized 1.19 ounces of marijuana in multicolored bags, five pre-rolled marijuana cigarettes, a Smith and Wesson M&P 380 pistol which had been reported stolen, and a Glock 43 9mm pistol. As officers were searching the vehicle, Williams returned from the mall and was detained. Shelby and Williams both claimed ownership of the firearms found in the vehicle. Shelby also admitted to possessing the marijuana found in the vehicle. Shelby and Williams were both arrested, and Ratcliff was released with no charges. Following this incident, Ratcliff failed to report his contact with law enforcement as required per his conditions of supervision. He also did not have the permission of the probation officer to associate with either Shelby or Williams.

On March 10, 2023, at the time of Ratcliff’s subsequent arrest noted above, another male subject, who fled on foot with Ratcliff, was detained and identified as Tyrion Titus. Titus is a convicted felon, currently on a term of federal supervised release. He reported that Ratcliff was a close associate. Ratcliff did not have the permission of the probation officer to associate with Titus.

Violation of Standard Condition No. 2: “After initially reporting to the probation officer, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.”

Violation of Standard Condition No. 5: “The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.”

Nature of Noncompliance: Ratcliff failed to report to the probation officer as instructed on December 29, 2022. He has not had any contact with the probation officer since January 9, 2023, when he agreed to report to the probation office on January 11, 2023, however, he failed to do so.

The probation officer has attempted to contact him via phone calls, text messages, and through collateral contacts. On January 20, 2023, Ratcliff’s mother advised the probation officer that he had not returned home in about two weeks. On January 20, 2023, a final opportunity to report was presented to Ratcliff via text message, however, he failed to report as instructed on January 23, 2023. At this time, Ratcliff’s whereabouts are unknown, and it appears he has chosen to abscond from his term of supervised release.

Violation of Mandatory Condition No. 1: “The defendant shall not commit another federal, state, or local crime during the term of supervision.”

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Violation of Standard Condition No. 10: *"The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified, for the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers)."*

Nature of Noncompliance: *On March 10, 2023, Austin Police Department officers with the Major Crimes Suppression Unit and Gang Unit conducted a fugitive apprehension operation on Marquise Ratcliff due to the active federal warrant. Surveillance was established at a location where Ratcliff was suspected to be distributing narcotics based on prior intelligence. Ratcliff was observed inside a 2010 Toyota Avalon, TXLP SLL9233, in the parking lot of the location. After he was observed engaging in hand-to-hand narcotics transactions, a team of officers drove into the parking lot to apprehend Ratcliff; however, he exited his vehicle and fled on foot. As Ratcliff was fleeing, officers observed him discard a black object he had removed from his waist. Ratcliff ignored commands from officers to stop and was ultimately tased to gain his compliance. Ratcliff suffered injuries to his face and was seen by Emergency Medical Services. He was transported to the hospital, and then transported to the Travis County jail.*

The black object thrown by Ratcliff was located and identified as a loaded Glock 48, 9mm, pistol. Additionally, a probable cause search of the Toyota Avalon was conducted, and officers located approximately 77.1 grams of powder cocaine and 10.77 grams of crack cocaine. Ratcliff was charged with the following offenses:

- *Unlawful Carrying of a Weapon with Felony Conviction, a 2nd degree felony*
- *Evading Arrest Detention with Previous Conviction, a state jail felony*
- *Manufacture/Delivery of a Controlled Substance, PG 1>=4G<200G, a 1st degree felony*

On March 13, 2023, Ratcliff was transferred to the custody of the United States Marshalls Service, where he remains. The state charges remain pending and there is no Court date scheduled in Travis County, Texas at this time.

On March 20, 2023, Assistant United States Attorney, Daniel M. Castillo, advised he is investigating the subsequent arrest for a potential federal indictment.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

Approved by,



Patricia A. Whitson
Supervising U.S. Probation Officer
Date: March 21, 2023

Respectfully submitted,



Lyza De La Fuente
Senior U.S. Probation Officer
Date: March 21, 2023

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Received by:

PREVIOUSLY SIGNED BY AUSA Daniel M. Castillo

Daniel M. Castillo
Assistant U.S. Attorney

☐ recommend ☐ does not recommend Justification: _____

THE COURT ORDERS:

☒ Other *The amendment of the Petition as noted.*
(Warrant was previously issued)



Honorable Susan Hightower
United States Magistrate Judge

Date: March 22, 2023